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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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CEDAR BEAR NATURELES, INC., a Utah  
corporation,

Plaintiff,

v.

LIQUID HERBALS MANUFACTURING  
LLC, a Utah limited liability company, dba,  
LIQUID NURA GROUP, et al.,

Defendants.

MEMORANDUM DECISION AND ORDER  
DENYING SHORT-FORM DISCOVERY  
MOTION

Case No. 2:17-cv-1076

District Judge Clark Waddoups

Magistrate Judge Brooke Wells

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Under DUCivR 37-1, Plaintiff Cedar Bear Naturales, Inc. (Cedar Bear) seeks an order compelling Defendants (LNG) to produced electronically stored information (ESI) in response to Cedar Bear's First Set of Discovery Requests served on November 3, 2017.<sup>1</sup> The court denies the motion.

This case involves companies that are "engaged in the business of manufacturing and selling liquid herbal supplements in the United States."<sup>2</sup> Cedar Bear alleges Defendants misappropriated certain trade secrets, breached certain contracts, interfered with business relationships and engaged in unfair competition.<sup>3</sup> The current dispute centers on the production of ESI documents that Cedar Bear has requested. Cedar Bear made the discovery requests back in November 2017 and LNG has been so slow in responding that now, "[t]wo months after the deadline, LNG still has not produced ESI documents despite [Cedar Bear's] good faith

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<sup>1</sup> Docket no. 31.

<sup>2</sup> Complaint ¶ 1, 4.

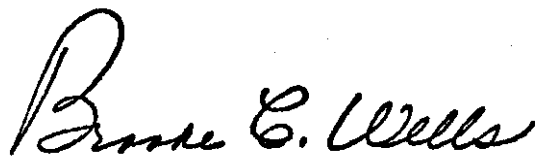
<sup>3</sup> *See generally* Complaint (setting forth the respective background and causes of action).

extensions of time and reasonable efforts to reach an agreement.”<sup>4</sup> Further, LNG has even deposed Cedar Bear’s CEO regarding the basis of its claims so there is no excuse for any further delay in producing the requested ESI. In response defendants provide they “anticipate having all responsive ESI produced before March 15, 2018.”<sup>5</sup>

The court is not persuaded that an order compelling compliance is necessary at this time. March 15th is only approximately two weeks away and it appears based on the record that the parties have been cooperating with each other. In addition, correspondence between the parties indicates that search terms for the ESI were agreed upon by the parties on January 29th and February 1st. So, a motion to compel compliance is at best premature at this time especially given that LNG has already been producing discovery in accordance with the November request.

Accordingly, Cedar Bear’s motion is DENIED.

DATED this 26 February 2018.

A handwritten signature in black ink, reading "Brooke C. Wells". The signature is written in a cursive, flowing style. The first name "Brooke" is written with a large, looped 'B'. The last name "Wells" is written with a large, looped 'W'. The signature is positioned above a horizontal line.

Brooke C. Wells  
United States Magistrate Judge

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<sup>4</sup> Mtn p. 2.

<sup>5</sup> Op. p. 1, docket no. 32.